

(92) 14496

The Coroners Act - Province of Ontario

VERDICT OF CORONER'S JURY

We, of Brampton
of Mississauga
of Brampton
of Brampton
of Brampton

the jury serving on the inquest into the death of

Surname NEVILLES

Given names Mark

aged 28, held at 3 Wellington Street East, Brampton, Ontario
on the 15th day of June 19 92, by Dr. D. Evans Coroner for
Ontario, having been duly sworn, have inquired into and
determined the following:

1. Name of deceased: Mark Richard Nevilles
2. Date and time of death: April 4, 1992, 10:00 a.m.
3. Place of death: 8 Alison Court, Brampton
4. Cause of death: Asphyxiation by a Burmese Phyton

5. By what means: The victim was associating with friends on the evening of April 3rd, 1992 and went to several local establishments during which time he consumed alcoholic beverages. He returned to a friend's house where they ate pizza and drank beer. At 2:00 a.m. April 4th, 1992, he left for home and after

Foreman

This verdict was received by me this 15th day of June 1992

Dr. D. Evans
Coroner

VERDICT MUST BE FORWARDED TO THE CHIEF CORONER AND A COPY TO THE
CROWN ATTORNEY

arriving decided to handle one of his snakes. The next morning an acquaintance from the house called on Mark to watch T.V. and found the victim lying in the doorway. The acquaintance went upstairs to call on another friend for help. They returned to the basement and discovered that Mark was cold. They noticed that the middle cage door was open and the python was missing. At this time they called the authorities.

RECOMMENDATIONS:

1. The federal government should prohibit the importation of exotic or harmful animals for sale to the public or for their personal possession.
2. We feel that legislation at the provincial level needs to be created in order to regulate licensing and accommodating of exotic and harmful animals.
3. Local authorities should be able to assess the conditions in which exotic animals presently exist by a visual inspection of the premises and authority to remove if unsuitable.
4. The public should be encouraged to register their existing exotic animals in return for information on proper care, handling and habitat.
5. A penalty or fine should be established for people who keep exotic animals unregistered and unlicensed.



Ontario

R12208/92

Ministry of
the Solicitor
General

Coroner

Ministère du
Solliciteur
général

Coroner

July 23, 1992

Dr. P. A. Clark
Regional Coroner
Ministry of the Solicitor General
555 George St. North
Peterborough, Ontario
K9H 3S1

Dear Dr. Clark

re: Mark NEVILLE
deceased: April 4, 1992

The Inquest into the death of Mark Neville was held on June 15, 1992 in Brampton.

Mr. Neville was asphyxiated by his 10 foot pet Burmese Python. Contributing factors that the death as identified by various witnesses included:

- 1) The snake was in the process of shedding its skin, an event which temporarily opacities the eyes and blinds the reptile. This may have made the snake more irritable.
- 2) The snake may have been an irritable reptile anyway.
- 3) The snake could have smelled food on Mr. Neville's hand (he had been playing with a friend's cat), bit the deceased on the hand, and then coiled around Mr. Neville's body.
- 4) Mr. Neville had been drinking (ethyl alcohol level 209 mg./100ml. blood) and this may have slowed his reflexes in dealing with the reptile.

The reptile house curator from the Metro Toronto Zoo advised the jury that it was his opinion that exotic pets such as snakes should not be kept in private homes as they can become a problem for the owner to maintain. For example, the snakes can become too large, and the food supply (rodents and rabbits) can be difficult to obtain in sufficient quantity. When this happens, the Zoo is often approached regarding disposal of the reptile. The Zoo will not take these captive bred reptiles as they do not mix well with the original wild specimens, and cannot be returned to the wild.

A witness from the Ontario Herpetological Society felt that people should be allowed to keep reptiles BUT these people should be policed or monitored in some way to ensure proper care of the reptiles and safety to the public. He was unsure as to whether the Ontario Herpetological Society or local municipality should provide this service. He also noted that the Society had not developed and instituted guidelines and/or peer review for its members. He stated that, presently in Toronto where such reptiles are not allowed by the local by-laws, he keeps approximately 20 snakes in his apartment. He felt that the by-laws drove snake owners "underground". This practice is in contravention to the local by-law and creates a potential danger to other persons who are unaware of their presence (Police, Fire, Ambulance, etc.)

The Assistant Deputy Minister of the Ministry of the Solicitor General, Public Safety Division, advised the jury that the province was responsible for the rules governing the sale of exotic animals while the local municipalities were responsible for the rules governing the keeping of such pets. Subsequent to meetings with representatives of various animal rights groups, a report dealing with guidelines for standards of care for animals (not with who can have them as pets) has been made to the provincial government.

At the present time, there is great variation in the scope of Municipal by-laws throughout the province ranging from a complete ban on the keeping of all exotic pets to essentially no regulations at all. The problem appears to be that the by-laws are unenforceable as there is no "right of inspection".

Two animal rights groups, the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) and the Animal Alliance (AA) gave evidence regarding the acceptability of exotic animals being kept as pets and the problems that people encounter when they can no longer care for the animals.

The OSPCA advised that they could take action under the Ontario Animal Act in cases of animal abuse. The Animal Alliances outlined the cost in terms of loss of animal lives as a result of the commercial trade of exotic pets.

The important of endangered species is regulated by the Federal Government in cooperation with United Nation guidelines. All other animals, not included on the endangered species list, can be imported with appropriate documentation.

The Jury's recommendations appear to be directed to coordinating the problems associated with the importation, sale, and safekeeping of exotic animals amongst all three levels of government.

Recommendations:

1. The federal government should prohibit the importation of exotic or harmful animals for sale to the public or for their personal possession.

Comment: I agree, this recommendation is aimed at stopping the supply of these animals to pet stores. What isn't covered in this recommendation is the individual breeder who might sell privately to members of the public. Importation by Zoos and other animal collectors who would meet standards of care should not be affected.

2. We feel that legislation at the provincial level needs to be created in order to regulate licensing and accommodating of exotic and harmful animals.
3. Local authorities should be able to assess the conditions in which exotic animals presently exist by a visual inspection of the premises and authority to remove if unsuitable.

Comment: I agree. These recommendations deal with provincial standards for the care of animals in pet shops and private homes. The municipality would then have the power of inspection and, in addition, would have statistical information on where, how many, and what types of exotic animals were within its boundary. This would be of importance to the police, fire and ambulance personnel in an emergency situation.

4. The public should be encouraged to register their existing exotic animals in return for information on proper care, handling and habitat.

Comment: This recommendation may not be practical in municipalities who have preexisting by-laws banning the keeping of exotic animals. Perhaps an amnesty period would be a good idea to allow present owners time to register their pets without penalty. In all other municipalities, registration should be encouraged so that information on care of these animals could be given to the owner and that veterinarians could be identified who could deal with these animals.

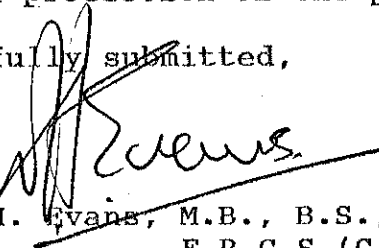
5. A penalty or fine should be established for people who keep exotic animals unregistered and unlicensed.

Comment: I agree. As with any other law, suitable penalty must be available to the court, not only to deal with a first time offender, but also to prevent future infractions.

SUMMARY

This Inquest outlined some of the problems that the keeping of exotic pets poses to the individual and the general public. The recommendations are a beginning in focusing the attention of all municipalities in the Province of Ontario on their present exotic animal by-law (if any) from the point of view of protection of the animal and protection of the public.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. H. Evans', is written over a horizontal line. The signature is stylized with a large initial 'D' and 'H'.

Dr. D. H. Evans, M.B., B.S.,
F.R.C.S.(C), F.A.C.S.